

REMARKS

Claims 1-34 are pending in the present Application. Claims 1, 6, 7, and 20 are being amended. Support for these amendments can be found at least on page 3, lines 1-5; page 6, lines 10-12; and page 7, lines 13-20 of the Specification, as originally filed. Claims 33 and 34 are being added. Support for these amendments can be found at least on page 11, lines 18-26 of the Specification, as originally filed. No new matter is being introduced by way of these amendments.

Regarding New Claims

Claims 33 and 34 are being added. Support for these new claims can be found at least on page 11, lines 18-26 of the Specification, as originally filed. No new matter has been introduced by way of these claim additions.

Regarding Claim Objections

Claims 6-8 stand objected to because the recited limitation “the schedule information,” previously lacked antecedent basis. Claims 6 and 7 are now amended to overcome this objection. Claims 8 is canceled.

Claims 14-16 and 19 stand objected to because the recited limitation “the membership criteria,” previously lacked antecedent basis. Base Claim 1, from which Claims 14-16 and 19 depend, is now amended to provide proper antecedent basis.

Regarding Claim Rejections – 35 USC § 103

Claims 1-32 stand rejected under 35 U.S.C. 103 (a) as being unpatentable over Picco et al. (US 6,029,045), hereinafter "Picco" in view of Advance Television Enhancement Forum Specification, hereinafter “ATVEF.”

Briefly referring to the Applicants’ specification, one embodiment of the present invention provides a system which includes a scheduler which generates a promotion schedule for an individual network device to effectively target the specific network device with promotions (Specification, page 2, lines 22-24, page; and page 3, lines 1-5). The scheduler

creates the transmission schedule by matching a viewership profile of the individual network device with membership criteria describing a particular demographic, viewership history, or geographic location (*Id.*). The viewership profile is generated from viewer usage data collected from the individual network device (Specification, page 6, lines 10-12).

In contrast, Picco is directed to broadcasting “local content/promotions” as part of a live video stream, rather than scheduling when promotions are to be received by an individual network device. Stated differently, Picco does not teach generating a transmission schedule, as indicated in the Office Action on page 4 (“Picco does not specifically disclose generating transmission schedule that specifies when the network device is to receive the one or more local content/promotions and receiver receives the transmission schedule”). Since Picco does not teach such a transmission schedule, it stands to reason that Picco CANNOT teach a transmission schedule generated for an individual network device, as claimed in base Claim 1 (“*a transmission schedule...is generated for the individual network device by matching i) a viewership profile generated from viewer usage data collected from the individual device with ii) a membership criteria which describes a particular demographic, viewership, or geographic location*”) as now amended.

Similar to Picco, ATVEF does not teach a transmission schedule generated for an individual network device. Instead, ATVEF provides for an announcement sent on a well-known multicast address and port number (page 13, last paragraph). That is, the announcement is made for all network devices who know of the multicast address and port number. Therefore, ATVEF does not teach a transmission schedule generated for an individual network device as claimed in base Claim 1, as now amended.

Accordingly, neither Picco nor ATVEF individually or in any combination imply, suggest or make obvious the claimed method or system for “*a transmission schedule...is generated for the individual network device by matching i) a viewership profile generated from viewer usage data collected from the individual device with ii) a membership criteria which describes a particular demographic, viewership, or geographic location,*” as claimed in base Claim 1, as now amended. Independent base Claim 20 has similar limitations. Dependent Claims 1-19 and 21-32 inherit these limitations from respective base claims. Thus, the §103

rejection of Claims 1-33 using Picco in view of ATVEF is believed to be overcome. Allowance of these claims is respectfully requested.

Alternatively, Claims 1-32 stand rejected under 35 U.S.C. 103 (a) as being unpatentable over Picco in view of Birdwell et al. (US 6,108,706), hereinafter "Birdwell." Similar to ATVEF, Birdwell does not teach a transmission schedule generated for an individual network device. Instead, Birdwell provides announcements made available over the network as multicast packets to a predetermined multicast address on the Internet (column 5, line 60-64). In another technique, announcements are posted at a publicly accessible location on the network, such as at a Web site on the Internet (*Id.*). As such, the announcements are NOT for an individual network device. Therefore, Birdwell does not teach a transmission schedule generated for an individual network device as claimed in base Claim 1, as now amended.

Accordingly, neither Picco nor Birdwell individually or in any combination imply, suggest or make obvious the claimed method or system for "*a transmission schedule...is generated for the individual network device by matching i) a viewership profile generated from viewer usage data collected from the individual device with ii) a membership criteria which describes a particular demographic, viewership, or geographic location,*" as claimed in base Claim 1, as now amended. Independent base Claim 20 has similar limitations. Dependent Claims 1-19 and 21-32 inherit these limitations from respective base claims. Thus, the §103 rejection of Claims 1-33 using Picco in view of Birdwell is believed to be overcome. Allowance of these claims is respectfully requested.

The Applicants' claimed invention provides, unlike the references, individual transmission schedules for an each network device to effectively target specific network devices with promotions. To illustrate this inventive feature, consider the following example. In an example network there are 10,000 individual network devices. To target each specific network devices in the network individually with promotions, 10,000 transmission schedules are individually generated for each of the 10,000 network devices. The 10,000 transmission schedules may schedule 10,000 identical promotions or 10,000 different promotions. Regardless, with the Applicants' claimed invention, unlike the references, each of the 10,000 transmission schedules is individualized to each of the network devices. That is, in a first transmission schedule, a first promotion is specified to be received by a first network device. In

a second transmission schedule, a second promotion is specified to be received by a second network device, and so on.

The references, on the other hand, do not teach, imply or otherwise make obvious the inventive feature of individually providing a transmission schedule for each network device to effectively target specific network devices with promotions. Rather, the references disclose multicasting or otherwise broadcasting announcements (schedules) to all network devices. Unlike the Applicants' claimed transmission schedule, which is for an individual network device, the announcements in the prior art are for all network devices. For example, in a network of 10,000 network devices, a single announcement is made for all 10,000 network devices, in the prior art. In stark contrast with the Applicants' claimed invention, such an announcement does NOT effectively target specific network devices with promotions. Accordingly, none of the references, singly or in combination teach, suggest, or otherwise make obvious the Applicants' claimed invention, as now amended.

Regarding references cited by in the Office Action, but not relied upon, the Applicants respond accordingly.

Reynolds et al. (US 2001/0037500), hereinafter "Reynolds," discloses a meta data substitution system for inserting meta data (e.g., a second announcement) into an incoming data stream having a video data component and a meta data component (e.g., a first announcement). As such, Reynolds, like Picco, fails to teach a transmission schedule that specifies when a promotion is to be received, as taught by the Applicants' claimed invention.

Fienleib et al. (US 2005/0028195), hereinafter "Feinleib," discloses announcements which are broadcasted or multicasted. As such, Fienlieb, like Birdwell, fails to teach a transmission schedule for an individual network device, as taught by the Applicants' claimed invention.

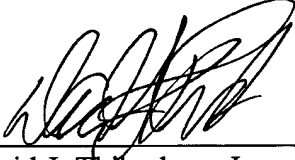
Wright et al. (US 6,442,598), hereinafter "Wright," discloses broadcasting content and then filtering that content. As such, Wright fails to teach a transmission schedule for an individual network device, as taught by the Applicants' claimed invention.

CONCLUSION

In view of the above remarks, it is believed that all claims (Claims 1-34) are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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